

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
Secretary to the Commission

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OPINION 459

Validation under the Plenary Powers of the generic
name *Fistulipora* M^CCoy, 1849 (Class Bryozoa)

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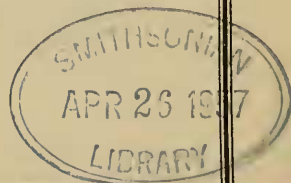
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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 459

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(*Arranged in order of precedence by reference to date of election or of most recent re-election as prescribed by the International Congress of Zoology*)

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Professor Enrico TORTONESE (*Museo di Storia Naturale, "G. Doria," Genova, Italy*) (16th December 1954)

OPINION 459

VALIDATION UNDER THE PLENARY POWERS OF THE GENERIC NAME "FISTULIPORA" M^CCOY, 1849 (CLASS BRYOZOA)

RULING :—(1) Under the Plenary Powers the generic name *Fistulipora* Rafinesque, 1831, is hereby suppressed for the purposes both of the Law of Priority and of the Law of Homonymy.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name Number 1073 :—

Fistulipora M^CCoy, 1849 as validated under the Plenary Powers in (1) above (gender : feminine) (type species, by selection by Milne Edwards (H.) & Haime (1850) : *Fistulipora minor* M^CCoy, 1849) ;

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1150 :—

minor M^CCoy, 1849, as published in the combination *Fistulipora minor* (specific name of type species of *Fistulipora* M^CCoy, 1849) ;

(4) The generic name *Fistulipora* Rafinesque, 1831, as suppressed under the Plenary Powers in (1) above, is hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Number 866.

(5) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name Number 148 :—

FISTULIPORIDAE Ulrich, 1882 (type genus : *Fistulipora* M^cCoy, 1849).

I. THE STATEMENT OF THE CASE

On 28th October 1947 Dr. J. Brookes Knight (*United States National Museum, Washington, D.C., U.S.A.*) communicated to the Office of the International Commission a statement prepared jointly by Miss Helen Duncan (*United States Geological Survey, Washington, D.C.*), Dr. Alfred R. Loeblich, Jr. (*United States National Museum, D.C.*) and Professor Raymond C. Moore (*University of Kansas, Lawrence, Kansas*) on the subject of the possible validation of the generic name *Fistulipora* M^cCoy, 1849 (Class Bryozoa). For various reasons it was not found possible at that time to proceed with the consideration of the present case but in 1954 correspondence between the Secretary and the applicants led to the submission to the International Commission on Zoological Nomenclature of the following revised application in which account was taken of various procedural requirements which since the preparation of the original communication in regard to this case had been imposed upon the International

Commission by General Directives issued to it by the International Congresses of Zoology :—

Proposed validation under the Plenary Powers of “ *Fistulipora* ” M^CCoy, 1849 (Class Bryozoa, Order Cyclostomata, Family Fistuliporidae)

By HELEN DUNCAN

(*United States Geological Survey, Washington, D.C.*)

ALFRED R. LOEBLICH, Jr.

(*United States National Museum, Washington, D.C.*)

and

RAYMOND C. MOORE

(*University of Kansas, Lawrence, Kansas*)

An unfortunate state of nomenclatural confusion has resulted from the recent discovery that the name *Fistulipora* M^CCoy, 1849, widely applied for nearly a century to a genus of the Paleozoic Bryozoa, is preoccupied by *Fistulipora* Rafinesque, 1831, an indeterminate fossil.

2. M^CCoy (1849, *Ann. Mag. nat. Hist.* (2) 3 : 130—131) defined *Fistulipora* and described two species, *F. minor* and *F. major*. In 1850 Milne Edwards (H.) and Haime (*Monogr. Brit. Fossil Corals* : lix) selected *Fistulipora minor* M^CCoy, 1849, as type species of the genus. Subsequently scores of species from America, Europe, Asia, and Australia have been described under or referred to M^CCoy's genus. *Fistulipora* M^CCoy is well established in an extensive literature as one of the most long-ranging and important genera of Paleozoic Bryozoa. The family FISTULIPORIDAE Ulrich (1882, *J. Cincinn. Soc. nat. Hist.* 5 : 156) derived its name from M^CCoy's genus, and genera included in the family as well as their most characteristic structural features are commonly designated “fistuliporoid”.

3. The fact that *Fistulipora* M^CCoy is preoccupied was apparently first discovered by Lang, Smith, and Thomas (1940, *Index of Paleozoic Coral Genera* : 61), who furnished the information to Neave for inclusion in the Supplement to the *Nomenclator Zoologicus* (4 : 736), published in 1940.

4. In an obscure 8-page pamphlet entitled *Enumeration and Account of Some Remarkable Natural Objects of the Cabinet of Prof. Rafinesque, in Philadelphia ; Being Animals, Shells, Plants, and Fossils, collected by him in North America, between 1816 and 1831*, Philadelphia, 1831,

Rafinesque published on page 5 the following brief characterisation of his monotypic genus :—

- FISTULIPORA*, Raf. Differ [sic] from *Millepora* by being tubular.
1. *F. teres*. Cylindrical, nearly simple, smooth, pores round, nearly equal. Limestone of Kentucky.

Rafinesque classed this fossil in a group termed "Polypites or Erismites", but it is impossible to tell whether *Fistulipora teres* Rafinesque, 1831, referred to a coral, hydrocoralline, sponge, bryozoan, or to some other organism. It is highly improbable that the type specimen of the species was preserved or could be identified as such even if the specimen still exists. Biographers (1895, Call, *Life and Writings of Rafinesque* : 59—60 ; 1911, Fitzpatrick, *Rafinesque, a Sketch of his Life with Bibliography* : 43, 56) report that at the time of Rafinesque's death his collections had suffered much from neglect and his inability properly to care for them and that most of the mineral and conchologic materials were entirely without labels and were sold for mere trifles. Further, information on the locality and geologic formation is indeterminate, although it might be assumed that *F. teres* came from the "Limestone of Blue licks in Kentucky", the locality specified for the immediately preceding species *Milleporites verrucosa* Raf., known to be in an area of Ordovician rocks.

5. It seems doubtful whether Rafinesque's *Enumeration* should be considered adequate publication. It was apparently privately printed and, inasmuch as no price is indicated on the tract, probably was not offered for sale. Very few copies are known to have been preserved. Actually the "tract" purports to be little more than a list of specimens for sale, as is indicated by the author's statement in the introductory paragraph that "they have been conveyed at great expense to this City, and will soon be sent to Europe for sale, unless disposed of in the United States". It would be difficult, if not impossible, however, to demonstrate that this pamphlet should not be recognised as a *bona fide* publication inasmuch as other books and articles published at about the same time or earlier seem to belong in about the same category but nevertheless are considered to be validly published.

6. It cannot be disputed, however, that Rafinesque's *Fistulipora* is unrecognisable from the description, and as no illustrations were provided, the organism cannot be identified. The possibility of the labelled specimen or specimens of the type species *Fistulipora teres* being recovered is extremely remote. For all practical purposes, therefore, the name *Fistulipora* Rafinesque, 1831, for an organism of indeterminate zoological relationship, has no meaning.

7. On the other hand, *Fistulipora* McCoy, 1849, is by far the best known and most prolific of the genera that have been included in the family FISTULIPORIDAE. The suggestion (1944, Moore and Dudley,

Bull. Kans. geol. Surv. 52 : 254—255) that the name *Cyclotrypa* Ulrich, 1896 (Zittel, *Text-Book Palaeont.* (Engl. ed.) 1, pt. 1 : 269) (genotype : *Fistulipora communis* Ulrich, 1890, *Geol. Surv. Illinois* 8 : 476) “ may contain a majority of the bryozoans that formerly have been placed in *Fistulipora* ”, does not satisfy zoological requirements, for *Cyclotrypa communis* (Ulrich, 1890), has structural features differing from those of *Fistulipora minor* McCoy and many allied species. Numerous species that have been referred to *Fistulipora* McCoy probably will be assigned to other genera when restudied. *Cyclotrypa* does not constitute a suitable repository for “ typical species ” of *Fistulipora* McCoy. Certainly the name *Fistulipora* Rafinesque, 1831, can find no practical application in paleontology, and its retention would produce a highly undesirable instability in bryozoan nomenclature.

8. The International Commission is accordingly asked :—

- (1) to use its Plenary Powers to suppress the under-mentioned generic name for the purposes both of the Law of Priority and for those of the Law of Homonymy : *Fistulipora* Rafinesque, 1831 ;
- (2) to place the under-mentioned generic name on the *Official List of Generic Names in Zoology* : *Fistulipora* McCoy, 1849 (gender : feminine) (type species, by selection by Milne Edwards (H.) & Haime (1850) : *Fistulipora minor* McCoy, 1849) ;
- (3) to place the under-mentioned specific name on the *Official List of Specific Names in Zoology* : *minor* McCoy, 1849, as published in the combination *Fistulipora minor* (specific name of type species of *Fistulipora* McCoy, 1849) ;
- (4) to place the under-mentioned generic name on the *Official Index of Rejected and Invalid Generic Names in Zoology* : *Fistulipora* Rafinesque, 1831, as suppressed under the Plenary Powers under (1) above ;
- (5) to place the family-group name FISTULIPORIDAE Ulrich, 1882 (type genus : *Fistulipora* McCoy, 1849) on the *Official List of Family-Group Names in Zoology*.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of the application by Miss Duncan, Dr. Loeblich and Professor

Moore, the question of the validation of the generic name *Fistulipora* M^CCoy, 1849, was allotted the Registered Number Z.N.(S.) 324.

3. Publication of the present application : The present application was sent to the printer on 2nd February 1955 and was published on 31st May in the same year in Part 5 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Duncan, Loeblich & Moore, 1955, *Bull. zool. Nomencl.* **11** : 155—157).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers was given on 31st May 1955 (a) in Part 5 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which the application by Miss Duncan *et al.* was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to four general zoological serial publications and to three palaeontological serials in Europe and America.

5. Support from Madeleine A. Fritz (Royal Ontario Museum of Zoology and Palaeontology, Toronto, Canada) : On 18th July 1955 Professor Madeleine A. Fritz (*Royal Ontario Museum of Zoology and Palaeontology, Toronto, Canada*) sent the following letter to the Office of the Commission in support of the present application (Fritz, 1955, *Bull. zool. Nomencl.* **11** : 303) :—

Having worked rather extensively with the genus *Fistulipora*, as established by M^CCoy, and recognising the value of this prolific genus, I am naturally anxious to see the name retained as a member of the family FISTULIPORIDAE. It would seem most unwise and impractical to lose this widely known term and to employ the same for an obscure fossil type of uncertain affinities.

I heartily endorse the petition as set forth under clause 8, p. 157, of the above-mentioned publication,

6. Support from Joan Crockford (Radium Hill Project, Radium Hill, Australia) : On 28th September 1955 Miss Joan Crockford (*Radium Hill Project, Radium Hill, Australia*) sent the following letter to the Office of the Commission in support of the present case :—

With respect to this application, I wish to state that I favour validation of the generic name *Fistulipora* M^CCoy, 1849 : and I wish to add the comment that possibly a ruling could be made by the Commission, when considering this application, as to whether Rafinesque's Pamphlet entitled "Enumeration and Account of Some Remarkable Natural Objects of the Cabinet of Prof. Rafinesque, in Philadelphia ; Being Animals, Shells, Plants, and Fossils, collected by him in North America, Between 1816 and 1831 : Philadelphia, 1831 ;" was validly published, as is discussed in sections 4 and 5, pp. 155 and 156, of the application by Duncan, Loeblich, and Moore.

7. No objection received : No objection to the action proposed in the present case was received from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

8. Issue of Voting Paper V.P.(56)9 : On 29th February 1956 a Voting Paper (V.P.(56)9) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the generic name *Fistulipora* M^CCoy, 1849, as set out in Points (1) to (5) in paragraph 8 on page 157 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

9. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 29th May 1956.

10. Particulars of the Voting on Voting Paper V.P.(56)9 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(56)9 was as follows :—

- (a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Lemche ; do Amaral ; Bradley (J.C.) ; Vokes ; Mayr ; Key ; Dymond ; Bodenheimer ; Mertens ; Sylvester-Bradley ; Esaki ; Boschma ; Hankó ; Riley ; Jaczewski ; Prantl ; Stoll ; Hemming ; Cabrera ; Tortonese ; Bonnet ; Kühnelt ; Miller ;

- (b) *Negative Votes :*

None ;

- (c) *Voting Papers not returned :*

None.

11. Declaration of Result of Vote : On 30th May 1956 Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(56)9, signed a Certificate that the Votes cast were as set out in paragraph 10 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

12. Preparation of the Ruling given in the present " Opinion " : On 4th December 1956 Mr. Hemming prepared the Ruling given

in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(56)9.

13. Original References : The following are the original references for the generic and specific names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

Fistulipora Rafinesque, 1831, *Some remark. nat. Objects Cabinet Prof. Rafinesque* : 5

Fistulipora M^CCoy, 1849, *Ann. Mag. nat. Hist.* (2) 3 : 130

minor, Fistulipora, M^CCoy, 1849, *Ann. Mag. nat. Hist.* (2) 3 : 130

14. The following is the reference for the selection of a type species for the genus *Fistulipora* M^CCoy, 1849, specified in the Ruling given in the present *Opinion* :—Milne Edwards (H.) & Haime, 1850, *Monogr. Brit. Fossil Corals* : lix.

15. The following is the original reference for the family-group name placed in the *Official List* established for recording the names of taxa belonging to the family-group categories by the Ruling given in the present *Opinion* :—

FISTULIPORIDAE Ulrich, 1882, *J. Cincinn. Soc. nat. Hist.* 5 : 156

16. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

17. The present *Opinion* shall be known as *Opinion* Four Hundred and Fifty-Nine (459) of the International Commission on Zoological Nomenclature.

DONE in London, this Fourth day of December, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING